

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LEROY PEOPLES, et al.

Plaintiff,

- against-

BRIAN FISCHER, et al.

Defendants.

**NOTICE OF MOTION**

11-CV-2694 (SAS)

PLEASE TAKE NOTICE that upon the Memorandum of Law transmitted herewith, and all the pleadings and proceedings had herein, defendants will move this Court at United States District Court, Southern District of New York, 500 Pearl Street, New York, New York, pursuant to the briefing schedule set by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing on the basis of qualified immunity the monetary damages claims in plaintiffs' Corrected Third Amended Complaint and for such other and further relief as the Court deems just and proper.

Dated: April 9, 2013  
New York, New York

Respectfully submitted,

ERIC T. SCHNEIDERMAN  
Attorney General of the  
State of New York  
Attorney for Defendants

By:

/s/

JEB HARBEN  
CHRISTINA OKEREKE  
Assistant Attorneys General  
120 Broadway - 24<sup>TH</sup> Floor  
New York, New York 10271  
(212) 416-6185/8746

TO: Taylor Pendergrass, Esq.  
Christopher Dunn, Esq.